

Stanley S. Zinner  
58 South Service Road, Suite 410  
Melville, New York 11747  
Tel: 631.414.7730  
Fax: 631.414.7732

Stephen F. Roth  
Orville R. Cockings  
Steven L. Procaccini  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, NJ 07090-1497  
Tel: 908.654.5000  
Fax: 908.654.7866

*Attorneys for Defendant Digital Licensing Technology LLC*

**Document Filed Electronically**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MOTOROLA, INC.,

Plaintiff,

v.

DIGITAL TECHNOLOGY LICENSING LLC,

Defendant.

DIGITAL TECHNOLOGY LICENSING LLC,

Third-Party Plaintiff,

v.

SPRINT NEXTEL CORPORATION,  
CELLCO PARTNERSHIP d/b/a VERIZON  
WIRELESS, and T-MOBILE USA, INC.

Third-Party Defendants.

:

:

: Civil Action No. 07-10436 (CLB)(GAY)

:

: District Judge Charles L. Brieant

:

:

:

:

x

:

:

:

:

:

:

:

:

:

:

:

:

:

x

**NOTICE OF DISMISSAL OF THIRD-PARTY CLAIMS AGAINST  
SPRINT NEXTEL CORPORATION,  
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS, AND T-MOBILE USA**

Third-party plaintiff Digital Technology Licensing LLC ("DTL"), having filed third-party claims against third-party defendants Sprint Nextel Corporation ("Sprint/Nextel"), Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless"), and T-Mobile USA ("T-Mobile"); and none of said third-party defendants having filed an answer or motion for summary judgment; and DTL intending to pursue its causes of action against those parties in previously filed cases presently pending in the District of New Jersey; it is therefore plead that;

Pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, DTL hereby dismisses its third-party claims in the within action against Sprint/Nextel, Verizon Wireless, and T-Mobile without prejudice.

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, NJ 07090-1497  
Tel: 908.654.5000  
Fax: 908.654.7866  
E-mail: [sprocaccini@ldlkm.com](mailto:sprocaccini@ldlkm.com)  
[litigation@ldlkm.com](mailto:litigation@ldlkm.com)  
*Attorneys for Plaintiff Digital Technology  
Licensing LLC*

Dated: January 10, 2008

By: s/ Steven L. Procaccini  
Steven L. Procaccini

**OF COUNSEL:**

Stanley S. Zinner, Esq.  
58 South Service Road, Suite 410  
Melville, New York 11747  
Tel: 631.414.7730  
Fax: 631.414.7732  
E-mail: [szinner@zinnerassociates.com](mailto:szinner@zinnerassociates.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the following documents:

1. NOTICE OF DISMISSAL OF THIRD-PARTY CLAIMS  
AGAINST SPRINT NEXTEL CORPORATION, CELLCO  
PARTNERSHIP d/b/a VERIZON WIRELESS, AND  
T-MOBILE USA

is being served upon the following counsel of record this 10th day of  
January, 2008, as follows:

**VIA ECF TRANSMISSION**

John M. Desmarais (JD 6460)  
Jon T. Hohenthanner (JH 1000)  
KIRKLAND & ELLIS LLP  
153 East 53rd Street  
New York, NY 10022-4611  
Tel: 212.446.4800  
Fax: 212.446.4900  
E-Mail: jdesmarais@kirkland.com  
jhohenthanner@kirkland.com

**OF COUNSEL:**

Russel E. Levine, P.C.  
Paul D. Collier  
Michael I. Cohen  
KIRKLAND & ELLIS LLP  
200 E. Randolph Dr.  
Chicago, Illinois 60601  
Tel: 312.861.2000  
Fax: 312.861.2200  
E-Mail: rlevine@kirkland.com  
pcollier@kirkland.com  
micohen@kirkland.com

*Attorneys for Plaintiff Motorola, Inc.*

\_\_\_\_\_  
s/ Steven Procaccini  
Steven Procaccini

DTL 6.0-006  
Civil Action No. 07-cv-10436